

SENATE BILL NO. 397

INTRODUCED BY J. BALLYEAT

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE III, SECTION 1, OF THE MONTANA CONSTITUTION TO PROVIDE THAT A DECISION OF THE MONTANA SUPREME COURT INVALIDATING ONE OR MORE STATUTES OR PARTS OF STATUTES MAY BE OVERTURNED BY A BILL THAT RECEIVES A TWO-THIRDS VOTE OF EACH HOUSE OF THE LEGISLATURE AND THAT IS SIGNED BY THE GOVERNOR."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article III, section 1, of The Constitution of the State of Montana is amended to read:

"Section 1. Separation of powers. (1) The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

(2) A decision of the Montana supreme court invalidating one or more statutes or parts of statutes may be overturned by a bill that is approved by a vote of at least two-thirds of the members of each house of the legislature and that is signed by the governor. The bill must specifically state the statutes or parts of statutes as to which the decision is overturned."

NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2006 by printing on the ballot the full title of this act and the following:

[] FOR allowing a law enacted by two-thirds of each house of the legislature to overturn a Montana supreme court decision invalidating statutory law.

[] AGAINST allowing a law enacted by two-thirds of each house of the legislature to overturn a Montana supreme court decision invalidating statutory law.

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